

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1160 OF 2023
AND
BAIL APPLICATION NO.1161 OF 2023

SHAIKH CHAND PASHA SHAIKH SAILANI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. G. R. Syed
APP for Respondent : Mr. Y. G. Gujrathi
...

CORAM : S. G. MEHARE, J.

DATE : 18-07-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant is seeking bail in C.R.No.29 of 2022 for the offences punishable under Sections 363, 368, 370, 202 read with Section 34 of the Indian Penal Code and in C.R.No.64 of 2023 for the offences punishable under Sections 363, 368, 370 read with Section 34 of the Indian Penal Code, registered with Kotwali Police Station, Parbhani.
3. The learned counsel for the applicant would submit that there is absolutely no evidence against the applicant. The circumstantial evidence is also missing in both crimes. The

applicant has been arraigned as an accused only because another co-accused is living with him in relationship. She was arrested in crime and handed over to the applicant. Then the applicant has been arraigned as an accused. Except the oral suspicion in supplementary statement, the prosecution could not collect the evidence *prima facie* showing the nexus of the applicant with the crimes. There are no antecedents to his discredit. Hence, he may be granted bail.

4. The learned A.P.P. has strongly opposed the application. He would submit that serious offence has been committed. The child was kidnapped and sold. One of the co-accused who was living with him in relationship was involved in the crime and the applicant was supporting her. Therefore, the prosecution has a case of his involvement in the crimes.

5. Perused the chargesheet in both the cases.

6. Admittedly, one of the co-accused who was living in relation with the applicant has been handed over in his custody and then he was arraigned as an accused. Till then there was no allegation against him. Except the statement in the supplementary statement of helping the co-accused, there is nothing against the applicant. There are no antecedents to his discredit before registering the present crimes. The material collected against the applicant does not show the direct involvement of the applicant in

the crimes. Hence, he deserves bail. Thus, the order:-

- i) Bail Applications are allowed.
- ii) Applicant Shaikh Chand Pasha Shaikh Sailani be released on bail, on furnishing PB and SB of Rs.50,000/- each, with one solvent surety of the like amount, in the aforesaid crimes, for the offences mentioned above, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall not leave Rahim Nagar, Parbhani, without leave of the concerned Police Station Officer, till conclusion of the trial.
 - (c) He shall submit his mobile cell phone number/s to the police station with an undertaking that he would not change the same till conclusion of the trial.
 - (d) He shall attend the trial on each effective date.

**(S. G. MEHARE)
JUDGE**

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